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9	Attorneys for Complainant		
10	BEFORE 7	гит	
11	BOARD OF REGISTERED NURSING DEPARTMENT OF CONSUMER AFFAIRS		
12	STATE OF CALIFORNIA		
13	In the Matter of the Accusation Against:	Case No. 3008-20	
14	JUDY P. WAGAYAN	Case No. 2000 E0	
15	660 S. Glassell, Apt. 52	ACCUSATION	
	Orange, California 92866		
16	Registered Nurse License No. 539356		
17	Respondent.		
18			
19	Ruth Ann Terry, M.P.H., R.N. ("Complainant") alleges:		
20	<u>PARTIES</u>		
21	1. Complainant brings this Accusation solely in her official capacity as the		
22	Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs.		
23	Registered Nurse License		
24	2. On or about December 19, 1997, the Board of Registered Nursing issued		
25	Registered Nurse License Number 539356 to Judy P. Wagayan ("Respondent"). The registered		
26	nurse license was in full force and effect at all times relevant to the charges brought herein and		
27	will expire on February 28, 2009, unless renewed.		
28	///		

STATUTORY PROVISIONS

- 3. Section 2750 of the Business and Professions Code ("Code") provides, in pertinent part, that the Board may discipline any licensee, including a licensee holding a temporary or an inactive license, for any reason provided in Article 3 (commencing with Code section 2750) of the Nursing Practice Act.
- 4. Code section 2764 provides, in pertinent part, that the expiration of a license shall not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the licensee or to render a decision imposing discipline on the license. Under Code section 2811, subdivision (b), the Board may renew an expired license at any time within eight years after the expiration.
 - 5. Code section 2761 states, in pertinent part:

The board may take disciplinary action against a certified or licensed nurse or deny an application for a certificate or license for any of the following:

- (a) Unprofessional conduct, which includes, but is not limited to, the following:
- (1) Incompetence, or gross negligence in carrying out usual certified or licensed nursing functions.

COST RECOVERY

6. Code section 125.3 provides, in pertinent part that the Board may request the administrative law judge to direct a licentiate found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

FIRST CAUSE FOR DISCIPLINE

(Gross Negligence)

7. Respondent is subject to discipline under Code section 2761, subdivision (a)(1) on the grounds of unprofessional conduct, in that while on duty as a registered nurse at New Orange Hills, Orange, California, and caring for patient A, Respondent committed acts constituting gross negligence within the meaning of California Code of Regulations, title 16, section 1442. In fact, Respondent failed to check the drug label with the physician's order three

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1	times prior to administering 2 grams of Morphine Sulfate (MSO4), by IV bag to patient A in		
2	error. The physician's order was for 2 grams of Magnesium Sulfate (MgSO4), by IV bag.		
3	<u>PRAYER</u>		
4	WHEREFORE, Complainant requests that a hearing be held on the matters herein		
5	alleged, and that following the hearing, the Board of Registered Nursing issue a decision:		
6	1. Revoking or suspending Registered Nurse License Number 539356, issued		
7	to Judy P. Wagayan;		
8	2. Ordering Judy P. Wagayan to pay the Board of Registered Nursing the		
9	reasonable costs of the investigation and enforcement of this case, pursuant to Code section		
10	125.3; and,		
11	3. Taking such other and further action as deemed necessary and proper.		
12			
13	DATED: 7/14/0)		
14			
15	RUTH ANN TERRY, M.P.H., R.N. Executive Officer Board of Registered Nursing Department of Consumer Affairs State of California Complainant		
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